

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
TADASHI HAYASHI, ET AL.) : Examiner: P. Kotini
Application No.: 10/810,827) : Group Art Unit: 3731
Filed: March 29, 2004) : Confirmation No.: 1010
For: VIBRATING KNIFE AND) :
EXCISION APPARATUS : June 8, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action mailed May 8, 2007.

In the Office Action, it was alleged that the claims of Groups I and II are related as process of making and product made and because they have acquired a separate status in the art as shown by their different classification. These contentions are respectfully traversed. It is submitted that the amount of effort required by the U.S. Patent and Trademark Office would be lessened by permitting all of the claims presently in the application to be prosecuted in a single application. The alternative is to proceed with the filing of another application, consisting of the same disclosure, and being subjected to substantially the same search, perhaps by a different Examiner on a different occasion, with the resultant burden on the Patent and Trademark Office. Accordingly, it is respectfully requested that the Examiner reconsider the

requirement for restriction and allow the claims presently in the application to be prosecuted in a single application.

Nevertheless, in order to comply with the requirements of 37 C.F.R. §1.143, Applicants provisionally elect the claims of Group I, namely Claims 1-12.

The Office Action also sets forth an election of species requirement between the allegedly distinct Species of Figure 1, Figure 4, Figure 5 and Figure 7.

In response to the election of species requirement, the Applicants hereby elect to prosecute the invention of Figure 1. It is submitted that Claims 1 and 2 read on the elected species.

Due consideration and prompt passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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